

Application No.: 09/277312

Case No.: 53836US002

Remarks

Claim 31 has been amended. Claim 31 is the only claim pending.

§ 112 Rejections

Claim 31 stands rejected under 35 USC § 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that the specification does not provide enablement for an expansion ratio which is higher than the expansion ratio with volatiles present by a factor of 2.9 to infinity. Claim 31 has been amended to address the concerns raised by the Examiner under 35 USC § 112, first paragraph, and submits that the amendment to claim 31 renders the rejection moot. Reconsideration is respectfully requested.

§ 102 Rejections

Claim 31 stands rejected under 35 USC § 102(b or e) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Okisaki et al. (5,810,914), Horace (6,031,040), Gato (6,124,394), in view of von Bonin et al. (4,694,030), von Bonin (4,729,853), von Bonin (5,053,148), von Bonin (5,094,780), von Bonin et al. (5,173,515), or von Bonin (5,382,387), with Welna (5,578,671) used as a teaching reference.

Claim 31 has been amended to indicate that the halogen-free organic binder is initially provided in the form of a latex binder that is dried to remove any volatiles. Support for this amendment appears in the specification at page 2, line 30, page 6, lines 12-13, and page 7, lines 24-25. None of the cited references, whether taken alone or in combination, discloses, teaches, or suggests a method of preparing a flexible solid intumescent fire barrier material that includes providing the binder in the form of a latex binder which is then dried before it is combined with the remaining ingredients and before it is mixed at high shear conditions as defined in claim 31, as amended. Accordingly, claim 31, as amended, is believed to be allowable over the cited references.

Application No.: 09/277312Case No.: 53836US002

In view of the above, it is submitted that the application is in condition for allowance.

Reconsideration of the application is requested.

Respectfully submitted,

OCTOBER 16, 2003

Date

By: David B. Patchett

David B. Patchett, Reg. No.: 39,326

Telephone No.: (651) 736-4713

OFFICIAL

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

RECEIVED
CENTRAL FAX CENTER
OCT 16 2003